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FILED
DISTRICT COURT OF GUAM
MAY 30 2007
MARY L.M. MORAN
CLERK OF COURT

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE TERRITORY OF GUAM**
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12 Maresa L. Anderson,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA,

16 Defendant.

Civil Case No. CV 07-00003

~~(PROPOSED)~~ *MS*

SCHEDULING ORDER
AND DISCOVERY PLAN

17 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule
18 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order
19 and Discovery Plan:
20

21 1. **Nature of the Case.** Plaintiff, Maresa L. Anderson, alleges that, as a result of Dr.
22 Kirin Madden, an active duty United States Air Force physician assistant, negligently
23 making trigger point injections, she now suffers from pain, mental anguish, bodily injury,
24 permanent disability and medical and hospital expenses. Defendant further alleges that
25 she will continue to suffer from pain, mental anguish, bodily injuries, medical and
26 hospital expenses and nerve damage.
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1 2. **Posture of the Case.**

2 (a) No motions have been filed.

3 (b) The following motions have been resolved: **None to date.**

4 (c) The following discovery has been initiated: **None to date.**

5 3. **Motions to Amend.** All motions to amend the pleadings shall be filed on or before
6 **August 1, 2007.**

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8 4. **Motions to Add Parties:** All motions to add parties shall be filed on or before **August**
9 **1, 2007.**

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11 5. **Discovery Plan.** The following is the description and schedule of all pretrial discovery
12 each party intends to initiate prior to the close of discovery:

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14 (a). **Initial Disclosures:** The times for disclosures under Rules 26(a) and 26(e) of the
15 Federal Rules of Civil procedure are modified as follows: Rule 26(a)(1) Initial disclosures will be
16 due within 30 days from the date of this order.

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18 (b). **Depositions:** Depositions are still to be scheduled.

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20 (c). **Written Discovery:** Each party may propound interrogatories and requests to
21 produce and requests for admissions within the limits set by the Federal Rules of Civil
22 Procedure. If either party determines that it needs to propound more discovery than
23 permitted by the Rules, the parties will confer in good faith to accommodate reasonable
24 discovery requests prior to the filing of any motion relating to a discovery dispute.

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26 (d). **Discovery Cutoff.** The discovery cutoff date (defined as the last date to file
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responses to discovery) shall be **Monday, April 28, 2008.**

(e). **Expert Discovery:**

1. The disclosures of expert testimony required under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than **Monday, May 5, 2008.**

2. Any designation of rebuttal expert testimony under Rule 26(a)(2) shall be made no later than **Monday, June 2, 2008.**

3. The depositions of experts may be scheduled at any time at least 20 days subsequent to the submission of rebuttal reports and the depositions of said experts shall be completed no later than **Monday, June 30, 2008.**

6. **Motions.**

(a) The anticipated discovery motions are: **None are anticipated at this time.**

All discovery motions shall be filed on or before **Monday, May 5, 2008.**

(b) The anticipated dispositive motions are: **Unknown at this time.**

All dispositive motions shall be filed on or before **Monday, July 2, 2008.**

7. **Settlement.** The prospects for settlement are still to be explored.

8. **Preliminary Pretrial Conference.** The preliminary pretrial conference shall be held on **Monday, August 11, 2008 at 10:00 a.m.**

9. **Pretrial Filings.** The parties' pretrial materials, discovery materials, witness lists, exhibit lists, and designation of discovery responses shall be filed on or before **Monday, August 18, 2008.**

1 10. **Pretrial Order.** The proposed pretrial order shall be filed on or before **Monday,**
2 **August 18, 2008** ~~2008~~ *2008*

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4 11. **Final Pretrial Conference.** The final pretrial conference shall be held on **Monday,**
5 **August 25, 2008** at 10:00 *10* a.m.

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7 12. **Trial.** Trial shall commence at 9:00 *9* a.m. **Tuesday, September 2, 2008.**

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9 13. **Jury.** This is a trial to the Court. No jury.

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11 14. **Anticipated Trial Time.** It is anticipated that it will take approximately 7 to 10
12 days to try this case.

13
14 15. **Identity of Counsel.** The counsel involved in this case are:

15 John S. Unpingco
16 The Law Offices of John S. Unpingco & Associates, LLC
17 777 Route 4, Suite 12B
18 Sinajana, GU 96910


19 Mikel W. Schwab - Assistant U.S. Attorney for the United States.
20 U.S. Attorney's Office
21 Sirena Plaza, Suite 500
22 108 Hernan Cortez Avenue
23 Hagatna, GU 96910

24 16. **Settlement Conference:** The parties wish to submit this case to a settlement
25 conference after adequate discovery has occurred.

26 17. **Suggestions for Shortening Trial.** The parties will explore stipulations as to
27 undisputed facts and the use of private alternative dispute resolution procedures to try to settle
28 the case.

1 18. Case Management Issues: None at this time.

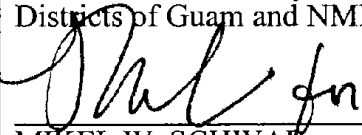
2
3 DATED this 30th day of May, 2007.

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6 JOAQUIN V. E. MANIBUSAN, JR.
7 U.S. MAGISTRATE JUDGE
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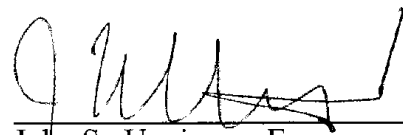
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MAY - 4 2007
DISTRICT COURT OF GUAM
HAGATNA, GUAM

1 APPROVED AS TO FORM AND CONTENT:

2 LEONARDO M. RAPADAS
3 United States Attorney
4 Districts of Guam and NMI

5 
MIKEL W. SCHWAB
6 Assistant U.S. Attorney

7 DATED: 5/3/07
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John S. Unpingco, Esq.
Attorney for Plaintiff

DATED: 5/3/07